

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JESSICA COOPER, et al.

Plaintiffs,

v.

ENDURANCE DEALER SERVICES, LLC, et al.

Defendants.

Case No. 1:25-cv-02919

Judge Robert W. Gettleman

Magistrate Judge Heather K. McShain

**DEFENDANTS ENDURANCE DEALER SERVICES, LLC AND ENDURANCE
WARRANTY SERVICES, LLC’S MOTION TO COMPEL ARBITRATION AND
DISMISS THE CLASS ACTION COMPLAINT**

Defendants Endurance Dealer Services, LLC and Endurance Warranty Services, LLC (“Endurance”) move to compel arbitration as to Plaintiffs Jessica Cooper, Philip Rinella, Melissa Rumpf and Matthew Wilder and to dismiss Plaintiffs’ Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

Endurance contends that Plaintiffs Cooper, Rinella, Rumpf, and Wilder agreed to valid and enforceable arbitration clauses and class waiver provisions that foreclose them from the relief they seek in this forum. Each of these Plaintiffs agreed to arbitrate in either their contracts with Endurance or click-wrap agreements they agreed to at the time the Plaintiffs requested a quote from Endurance. As such, the claims each of these Plaintiffs assert must be arbitrated.

The Court should also dismiss the Complaint in its entirety because it cannot withstand scrutiny under Fed. R. Civ. P. 12(b)(6). Endurance submits that all Plaintiffs waived their rights to class action, requiring dismissal of their claims in this jurisdiction pursuant to Fed. R. Civ. P. 12(b)(6). Moreover, the Complaint should also be dismissed in its entirety because Plaintiffs have

not pled a cognizable class under Fed R. Civ. P. 23. Finally, to the extent the Complaint survives despite the class waiver and glaring deficiencies regarding the proposed class, this Court should dismiss Counts II (unjust enrichment), III (fraudulent concealment), IV (common law fraud), and V (negligent misrepresentation), as well as Counts VI through IX of the Complaint because these counts are not sufficiently pled as a matter of law.

Dated: May 22, 2025

GOLDBERG SEGALLA LLP

/s/ Larry D. Mason

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CERTIFICATE OF SERVICE

I, Larry D. Mason, an attorney, hereby certify that on May 22, 2025, I served the above and foregoing *Defendants Endurance Dealer Services, LLC and Endurance Warranty Services, LLC's Motion to Compel Arbitration and Dismiss the Class Action Complaint* by causing a true and accurate copy of the same to be filed and served on all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Larry D. Mason